TRANSPORTATION AIR QUALITY CONFORMITY ANALYSIS

FOR 2001 REGIONAL TRANSPORTATION PLAN
AND
2001 TRANSPORTATION IMPROVEMENT PROGRAM AMENDMENT 01-32

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Joseph P. Bort MetroCenter
101 Eighth Street
Oakland, California 94607
TEL. 510.464.7700
TDD/TTY 510.464.7769
FAX 510.464.7848
E-MAIL info@mtc.ca.gov
WEB http://www.mtc.ca.gov

METROPOLITAN
TRANSPORTATION
COMMISSION

REPORT AUTHORS

This Conformity Analysis was prepared by MTC's Planning Section:

Chris Brittle
Manager, Planning

Miguel Iglesias
Ashley Nguyen
Chuck Purvis
Rupinder Singh
Ken Vaughn
Susan Williams

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The Metropolitan Transportation Commission (MTC) has performed a conformity assessment of the 2001 Regional Transportation Plan (RTP) and 2001 TIP Amendment 01-32 in accordance with EPA's Air Quality regulations issued August 1997 and with the Bay Area Air Quality Conformity Procedures adopted June 1998 (MTC Resolution No. 3075) and submitted to EPA for approval into the State Implementation Plan. In adopting the conformity analysis for TIP Amendment 01-32, this report also serves to re-determine the conformity for the entire FY 2001 TIP using the latest motor vehicle emission budget from the 2001 Ozone Attainment Plan.

INTRODUCTION

PURPOSE OF CONFORMITY ANALYSIS

The 1990 Clean Air Act Amendments (CAAA) outlines requirements for ensuring that federal transportation plans, programs and projects conform to the State Implementation Plan's (SIP) purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards. The U.S. EPA subsequently published conformity regulations to implement the 1990 CAAA conformity requirements in November 1993, and revised them in August 1995, November 1995 and August 1997. Metropolitan Planning Organizations such as MTC are required to adopt and follow these regulations. MTC Resolution No. 3075 is the MTC resolution adopting EPA's most current regulation on conformity procedures for transportation plans, programs and projects. These revised conformity procedures were submitted to U.S. EPA in 1998. As of February, 2002 EPA has not taken action on the Bay Area's latest revised conformity procedures.

These regulations and resolutions state, in part, that MTC cannot approve any transportation plan, program or project unless these activities conform to the purpose of the SIP. "Transportation plan" refers to the RTP. "Program" refers to the Transportation Improvement Program (TIP), which is a financially realistic set of highway and transit projects to be funded over the next three years. A "transportation project" is any highway or transit improvement, which is included in the RTP and TIP and requires funding or approval from the Federal Highway Administration or the Federal Transit Administration. Conformity regulations also affect regionally significant non-federally funded projects which must be included in a conforming plan and program.

STATUS OF REGIONAL TRANSPORTATION PLAN

The 2001 Regional Transportation Plan (RTP) represents the transportation policy and action statement of the MTC for addressing the region's transportation needs over the next 25 years. Any transportation project receiving federal or state transportation funds must be included in the RTP. The planning horizon for the 2001 RTP is the year 2025.

The 2001 Regional Transportation Plan is financially constrained consistent with 23 CFR 450 (93.108). Estimated transportation funds available to the region over the next 25 years are $87.4 billion ($2001), and the uncommitted amount of funds which are the primary focus of the current update are $8.6 billion. The basis for the future funding estimates and project and program costs are included in the 2001 RTP. In addition, the content of the 2001 Regional

Transportation Plan meets 23 CFR 450 (93.106 (c)) to the extent it has been the previous practice of MTC.

The last major RTP update was adopted by MTC in October 1998 (MTC Resolution No. 3116), and the RTP was subsequently amended on May 26, 1999 and May 24, 2000. The Federal Highway Administration and Federal Transit Administration have approved conformity findings for each update or amendment.

The draft of the 2001 RTP was released on August 10, 2001 and was adopted for federal planning purposes on March 15, 2002 (MTC Resolution No. 3432).

STATUS OF 2001 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

The last conforming Transportation Improvement Plan (TIP) was adopted by the Commission on September 27, 2000 (MTC Resolution No. 3300), and has subsequently been amended 31 times. The 2001 TIP is financially constrained consistent with 23 CFR 450 (93.108). The new TIP amendment (01-32) includes 19 projects that are in the 2001 RTP and need to proceed with further project development. These projects are fully funded with local agency funds, federal earmarks and/or state funds. After the amendment, the TIP will continue to be financially constrained. The list of projects to be amended into the 2001 TIP is contained in Appendix A (specific funding sources are identified in the TIP amendment itself) and have been modeled for conformity in the appropriate TIP timeframe. This report also re-determines conformity for the entire FY 2001 TIP as federal planning regulations require such a redetermination within six months of adopting a new or revised regional transportation plan (40 CFR Section 93104 (c)(4)).

BAY AREA AIR POLLUTANT DESIGNATIONS

On November 6, 1991, the U.S. EPA designated the Bay Area as a moderate ozone nonattainment area. Based on monitoring from 1990 to 1993, the co-lead agencies—Bay Area Air Quality Management District (BAAQMD), MTC, and Association of Bay Area Governments (ABAG)— determined that no ozone violations had occurred and requested the California Air Resources Board (ARB) to forward an ozone maintenance plan to U.S. EPA.

On May 25, 1995, the Bay Area was classified as an ozone maintenance area, having attained the 1-hour national ozone standard for five years (1990-1994). However, on July 10, 1998 the U.S. Environmental Protection Agency (EPA) published a Notice of Final Rulemaking redesignating the Bay Area back to an ozone nonattainment (unclassified) area. This action was due to violations of the 1-hour standard that occurred during the summers of 1995 and 1996, and became final on August 10, 1998.

In June 1998, the Bay Area was redesignated to a "maintenance area" for the national 8-hour carbon monoxide (CO) standard, having demonstrated attainment of the standards. As a maintenance area, the region must assure continued attainment of the CO standard.

The Bay Area has conformity requirements for ozone and carbon monoxide (CO). Under these requirements, the Bay Area has to meet a motor vehicle emission "budget" test for Volatile Organic Compounds (VOC), Nitrogen Oxides (NO_X) and CO.

HISTORY OF TRANSPORTATION MOTOR VEHICLE EMISSIONS BUDGETS

The purpose of transportation conformity is to ensure that the 2001 RTP helps achieve and maintain Federal ozone and CO standards. This is accomplished by comparing transportation emissions budgets in the applicable federal air quality plan to the projected transportation emissions which reflect the effect of the transportation investments in the RTP and TIP. For the ozone precursor emissions VOC and NO_X, the applicable transportation emissions budget is contained in the new 2001 Ozone Attainment Plan for the 1-hour national ozone standard. For CO, the CO budget is derived from the Final Carbon Monoxide Redesignation Request and Maintenance Plan Request for 10 Federal Planning Areas (herein after referred to as the Carbon Monoxide Maintenance Plan). Horizon years have to be no more than 10 years apart, and no more than 10 years from the base year used to validate the model (1998). For this conformity analysis, horizon years are 2006, 2010, 2020, and 2025. To make a positive conformity finding, MTC must demonstrate that the motor vehicle emissions are lower than the approved transportation emissions budgets.

In 1994, the California Air Resources Board (ARB) submitted an ozone maintenance plan for the Bay Area to U.S. EPA. Based on the fact that the Bay Area had attained the national ambient air quality standard for ozone starting in 1990, it was decided (through interagency consultation) that the 1990 emission inventories in the 1994 Ozone Maintenance Plan would be the appropriate mobile source transportation emissions budget. The ARB followed-up the submittal on May 20, 1994 with a list of mobile source emissions budgets for the State of California to be used for conformity purposes. The mobile source emissions budgets for the Bay Area were listed as follows: VOC/ROG: 299.6 tons per day (1990) and NOx: 251.1 tons per day (1990).

The U.S. EPA approved the Ozone Maintenance Plan on May 22, 1995 with an effective date of June 21, 1995. The EPA Region 9 office also confirmed these were the budgets to be used in conformity determinations for the Bay Area in a letter dated September 14, 1994.

For all conformity determinations made by the FHWA and FTA in the Bay Area from 1994 to 1999, the Ozone Maintenance Plan transportation emissions budgets were used for conformity purposes without objection. However, in August 1997, changes to the conformity regulations made by U.S. EPA to the Transportation Conformity Rule stipulated that if budgets are included in the maintenance plan for an extended period of time beyond the attainment date, these budgets must also be used for conformity.

To confirm that the emissions budgets for the Bay Area were still valid for conformity purposes, in 1999 the FHWA requested ARB to update the emissions budgets for California and submit that list to U.S. EPA. The ARB submitted the list of transportation emissions budgets for California in a letter dated February 10, 1999. The emissions budgets for the Bay Area were those from the Ozone Maintenance Plan and applied to 1990 and all subsequent years and remained the same as the budgets established by ARB in May 1994. In a letter dated May 24, 2000 U.S. EPA stated that they believed the inventory calculations for 2005 in the 1994 Ozone Maintenance Plan constituted a budget for that year. Following further

interagency consultation, all parties agreed that until new motor vehicle emissions budgets are put in place, the Ozone Maintenance Plan budget for 1990 remained as the sole transportation emissions budget. All parties did agree to expeditiously establish new budgets that are more current and protective of air quality.

The three co-lead agencies have prepared a revised Ozone Attainment Plan for the 1-hour national ozone standard which was approved on October 24, 2001 followed by ARB approval on November 1, 2001. CARB subsequently submitted the revised plan to EPA on November 30, 2001. This Plan contains a new transportation motor vehicle emissions budget which would apply to 2006 and all subsequent years.

APPROACH TO THE ANALYSIS

MTC has used the latest planning assumptions for the purpose of preparing the 2001 RTP and this conformity analysis. In particular, the analysis uses the socio-economic/land use forecast series *Projections 2000* developed by ABAG and the latest validated version of the MTC travel demand model (BAYCAST-90). Appendix B documents the major travel forecasting assumptions for the conformity analysis and Appendix C details the roadway and transit network definitions in the RTP and TIP.

Mobile source emission levels for all pollutants are determined by using the MTC travel demand forecasting models to generate vehicle activity data and then applying the Air Resources Board motor vehicle emission model, known as SF Bay Area-EMFAC 2000, to calculate daily vehicle emissions:

- SF Bay Area-EMFAC 2000 calculates emission rates for a variety of vehicle types by fuel usage, control technology, and mode of operation. It also accounts for the effectiveness of the State's vehicle inspection and maintenance program, called Smog Check.
- SF Bay Area-EMFAC 2000 further includes temperature assumptions by county and time-of-day as developed by ARB and vehicle mix and hot start/cold start mix assumptions as developed by ARB, all of which are consistent with the ozone plan.
- SF Bay Area-EMFAC 2000 manipulates the travel activity database produced by the MTC travel model, and includes such factors as the number of vehicle miles of travel by county and number of vehicle engine starts.
- For this conformity analysis ARB adjusted the total vehicle miles of travel for the Bay Area to be more consistent with Smog Check odometer data, and MTC updated the distribution of vehicle miles of travel by speed category.
- Additionally ARB has provided supplemental information to support the carbon monoxide transportation conformity analysis as shown in Appendix D.

CONSULTATION PROCESS

Consultation on the 2001 RTP conformity analysis was conducted in accordance to EPA's conformity regulations and in accordance with the Bay Area's Interagency Consultation Procedures. Consultation on MTC's travel demand models and TCMs has been ongoing through the Air Quality Conformity Task Force of the Bay Area Partnership. The Conformity

Task Force is composed of representatives of U.S. EPA, ARB, FHWA, FTA, Caltrans, MTC, BAAQMD, ABAG, the nine county Congestion Management Agencies, and Bay Area transit operators. The meetings are open to the public and are regularly attended by interested members of the public. Topics covered in past meetings of this group include the following:

July 2000

- Transportation Air Quality Conformity Analysis for Amendment to the 1998 Regional Transportation Plan and 1999 TIP Amendments 99-30 and 99-31
- Transportation Air Quality Conformity Analysis for 2001 TIP
- Status of Transportation Conformity Budget
- Land Use Credits for Future Conformity Determinations
- Update on Modeling Database (2000 Household Travel Survey and 1998 Speed Data)
- Using CMAQ Funds for Traffic Signal Projects

September 2000

- Interagency Consultation on Amending Locally Funded Projects into the 2001 TIP

November 2000

- Approval of Transportation Air Quality Conformity Analysis for the 2001 FTIP
- Schedule for 2001 RTP
- Status Report on Old and Emerging Modeling Issues
- FHWA Request for Documenting Modeling for Future Conformity Determinations and Conformity Checklist
- Signal Timing Issues
- Locally Funded Projects

February 2001

- Schedule for 2001 RTP
- Air Quality Conformity Checklist (Appendix E of RTP Guidelines)
- Revised SIP Schedule
- Proposed TIP Amendments: Locally Funded or Traffic Congestion Relief Act Projects

March 2001

- Modeling Issues (Speed Assumptions)
- Transportation Control Measures (primarily TCMs 1 and 2)

April 2001

- Transportation Control Measures (TCMs 3-28)

September 2001

- Regional Transportation Plan – Latest Planning Assumptions
- Review Draft RTP Conformity Analysis
- TCMs – Further Follow-UP

October 2001

- Proposed TIP Amendment 01-32
- Draft Conformity Analysis Report

December 2001

- Projects that would be "exempt" under conformity lapse
- Review Draft Conformity Report

TRANSPORTATION EMISSIONS BUDGETS

As explained earlier, motor vehicle emissions budgets are established for VOCs, NOx and carbon monoxide. As discussed earlier, there are two different budgets which must be used for conformity purposes, the one from the Carbon Monoxide Maintenance Plan and the budget in the 2001 Ozone Attainment Plan for ozone precursors. MTC prepares separate regional travel activity forecasts for the following planning years: 2005, 2010, 2020, and 2025. Vehicle activity for the 2006 attainment year is interpolated between 2005 and 2010. Vehicle activity forecasts are summarized in Table 1.

TABLE 1
VEHICLE ACTIVITY FORECASTS

	2006	2010	2020	2025
Vehicles in Use	5,478,000	6,012,300	6,647,200	6,890,800
Daily VMT (1000s)	173,464	187,339	203,919	211,152
Engine Starts	36,802,200	40,108,100	43,543,000	44,827,900

2001 Ozone Attainment Plan Budgets. The transportation conformity budget from the 2001 Ozone Attainment Plan is constructed by calculating the on road motor vehicle emissions using the MTC travel activity data, then reducing this number by the emission benefits associated with enhancements in the Smog Check program committed to in the new Ozone Plan and by the emission benefits from five new Transportation Control Measures in the new Ozone Plan. The 2006 transportation budget is shown in Table 2 and applies to 2006 and all subsequent years.

TABLE 2
VOC AND NO_X EMISSIONS BUDGETS FROM 2001 OZONE ATTAINMENT PLAN (TONS/DAY)
(SF BAY AREA-EMFAC 2000)

VOC	
2006 On Road Motor Vehicle Emissions	168.5
2006 Mobile Source Control Measure Benefits	(4.0)
2006 TCM Benefits	(0.5)
2006 Emissions Budget	164.0
NO_X	
2006 On Road Motor Vehicle Emissions	271.0
2006 TCM Benefits	(0.7)
2006 Emissions Budget	270.3

Carbon Monoxide Maintenance Plan Budget.
The budget for carbon monoxide is derived from the Maintenance Plan and is 2,193 tons per day based on EMFAC7F.

Comparison of Estimated Emissions to the Budget.
The motor vehicle activity forecasts for the RTP/TIP for the various horizon years are converted to motor vehicle emission estimates by ARB. Table 3 compares the results of the various analyses with the applicable budgets. This analysis indicates that the motor vehicle emissions for the RTP/TIP are below the budgets for all future years.

TABLE 3A
EMISSIONS BUDGET COMPARISONS FOR OZONE (TONS/DAY USING SF BAY AREA-EMFAC 2000)

Year	VOC Budget	On-Road Motor Vehicles VOC	TCMs	Smog Check	Net Emissions
2006	164.0	168.5	(0.5)	(4.0)	164.0
2010	164.0	142.0	(0.5)	(4.0)	137.5
2020	164.0	82.4	(0.5)	(4.0)	77.9
2025	164.0	65.1	(0.5)	(4.0)	60.6

Year	NO_X Budget	On-Road Motor Vehicles NO_X	TCMs	Smog Check	Net Emissions
2006	270.3	270.6	(0.7)	--	269.9
2010	270.3	231.6	(0.7)	--	230.9
2020	270.3	147.0	(0.7)	--	146.3
2025	270.3	126.3	(0.7)	--	125.6

TABLE 3B
EMISSIONS BUDGET COMPARISONS FOR CARBON MONOXIDE

Year	CO Budget	Estimated CO
2010	2,193	1326*

* ***See Appendix D***

TRANSPORTATION CONTROL MEASURES

STATUS OF TRANSPORTATION CONTROL MEASURES

Transportation control measures (TCMs) are strategies to reduce vehicle emissions. A total of 24 transportation control measures for ozone (four measures were recently deleted by EPA) are in effect for the Bay Area as well as two transportation control measures for carbon monoxide. These control measures are largely implemented and included in the emissions baseline for the new 2001 Ozone Attainment Plan.

The descriptions of the status of transportation control measures in the SIP are organized as follows:

- Twelve (12) ozone measures were originally listed in the 1982 Bay Area Air Quality Plan.

- In response to a 1990 lawsuit in the federal District Court, sixteen (16) additional TCMs were subsequently adopted by MTC in February 1990 as contingency measures to bring the region back on the "Reasonable Further Progress" line. The Federal District order issued on May 11, 1992, found that these contingency TCMs were sufficient to bring the region back on the reasonable further progress (RFP) track anticipated in the SIP. These measures became part of the SIP when U.S. EPA approved the 1994 Ozone Maintenance Plan.

- Two (2) transportation control measures from the 1982 Bay Area Air Quality Plan apply to Carbon Monoxide control strategies, for which the region is in attainment with the federal standard, and primarily targeted downtown San Jose (which had the most significant CO problem at that time.) MTC also adopted a set of TCM enhancements in November 1991 to eliminate a shortfall in regional carbon monoxide emissions identified in the District Court's April 19, 1991 order. Carbon monoxide standards have been achieved primarily through the use of oxygenated/reformulated fuels in cars and with improvements in the Basic Vehicle Inspection and Maintenance program.

- As part of EPA's partial approval/partial disapproval of the 1999 Ozone Attainment Plan, four (4) TCMs were deleted from the ozone plan (but two of these remain in the Carbon Monoxide Maintenance Plan).

- Five (5) new Transportation Control Measures were adopted as part of the new 2001 1-Hour Ozone Attainment Plan and are fully funded in the 2001 Regional Transportation Plan.

TABLE 4
TRANSPORTATION CONTROL MEASURES (TCMS) IN THE STATE IMPLEMENTATION PLAN

TCM	*Description*
Original TCMs from 1982 Bay Area Air Quality Plan	
TCM 1	Reaffirm Commitment to 28 percent Transit Ridership Increase Between 1978 and 1983
TCM 2	Support Post-1983 Improvements in the Operators' Five-Year Plans and, After Consultation with the Operators, Adopt Ridership Increase Target for the Period 1983 through 1987
TCM 3	Seek to Expand and Improve Public Transit Beyond Committed Levels
TCM 4	High Occupancy Vehicle (HOV) Lanes and Ramp Metering
TCM 5	Support RIDES Efforts
TCM 6*	Continue Efforts to Obtain Funding to Support Long Range Transit Improvements
TCM 7	Preferential Parking
TCM 8	Shared Use Park and Ride Lots
TCM 9	Expand Commute Alternatives Program
TCM 10	Information Program for Local Governments
TCM 11**	Gasoline Conservation Awareness Program (GasCAP)
TCM 12**	Santa Clara County Commuter Transportation Program
Contingency Plan TCMs Adopted by MTC in February 1990(MTC Resolution 2131)	
TCM 13	Increase Bridge Tolls to $1.00 on All Bridges
TCM 14	Bay Bridge Surcharge of $1.00
TCM 15	Increase State Gas Tax by 9 Cents
TCM 16*	Implement MTC Resolution 1876, Revised — New Rail Starts
TCM 17	Continue Post-Earthquake Transit Services
TCM 18	Sacramento-Bay Area Amtrak Service
TCM 19	Upgrade Caltrain Service
TCM 20	Regional HOV System Plan
TCM 21	Regional Transit Coordination
TCM 22	Expand Regional Transit Connection Ticket Distribution
TCM 23	Employer Audits
TCM 24	Expand Signal Timing Program to New Cities
TCM 25	Maintain Existing Signal Timing Programs
TCM 26	Incident Management on Bay Area Freeways
TCM 27	Update MTC Guidance on Development of Local TSM Programs
TCM 28	Local Transportation Systems Management (TSM) Initiatives
New TCMs in 2001 Ozone Attainment Plan (Pending EPA Approval)	
TCM A	Regional Express Bus Program
TCM B	Bicycle/Pedestrian Program
TCM C	Transportation for Livable Communities
TCM D	Expansion of Freeway Service Patrol
TCM E	Transit Access to Airports

*Deleted by EPA action from ozone plan
**Deleted by EPA action from ozone plan, but retained in Carbon Monoxide Maintenance Plan.

Source: Bay Area Air Quality Management District, Metropolitan Transportation Commission, 2001.

FEDERAL TRANSPORTATION CONTROL MEASURES FOR OZONE

Table 5 provides a summary of the Federal TCMs for ozone and reviews their current implementation status relative to the implementation schedule in the applicable SIP.

TABLE 5
FEDERAL TRANSPORTATION CONTROL MEASURES FOR OZONE

TCMS FROM 1982 BAY AREA AIR QUALITY PLAN

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
1	Reaffirm commitment to 28 percent transit ridership increase between 1978 and 1983	TCM 1 reaffirms commitment to 28 percent transit ridership increase between 1978 and 1983.	MTC reaffirms measure in 1982 Review of Air Quality Plan. Assess effectiveness of measure in annual Reasonable Further Progress (RFP) reports.	Ridership gains exceeded target for the period 1978 to 1983. Annual transit boardings in 1978 were 333.6 million and 474 to 503 million in FY 1982/83, depending on adjustments to Muni's ridership (see TCM 2 Note below)	TCM fully implemented.

TCMS FROM 1982 BAY AREA AIR QUALITY PLAN

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
2	Support post-1983 improvements identified in transit operator's five-year plans and, after consultation with the operators, adopt ridership increase targets for the period 1983 through 1987	Transit improvements specified in the Plan during this period were for productivity improvements, given the shortage of federal funds for transit expansion. MTC funded transit productivity improvements as called for the measure. The emission target assumed for this TCM was not achieved between 1983 and 1987. In lieu thereof, in 1992 a Federal Court order approved the addition of 16 TCMs to address the shortfall in emission tonnage reductions attributed to this measure. The order states, in part, "… we conclude that the present record indicates that the shortfall identified in the August 19, 1991 order has been accounted for. As such, MTC has fulfilled its obligations under the 1982 Plan's transportation contingency plan with respect to the adoption of additional TCMs."	• Six major transit operators adopt FY 1983-87 plans by July 1982 • MTC consults with operators on ridership targets by January 1983 • MTC, through implementation of the TIP and allocation of regional funds, seeks to ensure operators' Five-Year Plans are implemented • Ridership gains are monitored through annual Reasonable Further Progress reports. • Ozone emission reductions predicted based on a 15% increase in transit ridership from 82/83 to 86/87	Annual transit ridership through FY 2000/2001 is shown in Table 5a* *Note: As reported in Muni's 1986 and 1987 Short Range Transit Plans, methodology errors in determining Muni's annual ridership resulted in FY 82/83 numbers that were most likely too high. Muni has advised that its actual ridership for FY 82/83 is more likely to have been approximately 264 million annual riders (compared to about 293 million riders that has been assumed for that year. Adjusting the Muni baseline number and including all Bay Area transit operators, the goal for a 15% ridership increase for all transit operators would be 544.7 million annual passengers. Based on the projects and programs in the RTP/TIP, MTC projects that regional transit boardings for all operators may increase to as high as 600m in 2006/2007, 657m in 2010, and 695m in 2020. Table 5b shows major transit expansion projects which are expected to contribute to short range increases in regional transit ridership.	TCM fully implemented to the extent possible, but by its own terms is out of date. A recent court order has found that there is a continuing obligation to obtain a 15% regional transit ridership increase. Further proceedings are still pending in regards to the order.

Table 5a

Transit Ridership Statistics
FY 1982 – 83 to Present

[Thousands of Annual Riders]

6 Major Operators	Fiscal Year 1982/83	1983/84	1984/85	1985/86	1986/87	1987/88	1988/89	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01
AC Transit	76,794	75,086	68,767	67,257	64,438	57,224	61,308	62,041	62,500	65,625	66,280	62,754	61,943	64,153	63,303	63,877	66,089	68,088	71,529
BART	57,700	62,792	66,036	63,270	60,304	61,160	61,738	74,761	76,193	77,247	77,626	80,183	78,952	79,593	83,446	81,422	86,488	97,024	103,919
GGBHTD	12,267	10,736	10,811	9,997	9,435	9,082	8,784	9,938	10,530	10,574	10,597	10,578	10,255	10,447	10,962	11,032	11,108	11,465	11,618
SamTrans	17,599	18,242	19,871	19,114	18,292	18,048	18,130	18,324	19,114	18,793	18,619	19,742	19,675	19,085	18,562	18,834	18,350	17,925	18,136
SF Muni	293,100*	313,100*	264,033	255,924	252,122	244,733	235,794	233,468	239,340	238,714	238,295	220,273	216,409	214,468	217,631	219,507	217,050	226,181	236,205
SCVTA	34,868	38,522	34,609	38,089	36,299	35,895	39,447	41,200	45,850	46,118	46,700	45,224	45,166	49,172	53,062	53,547	54,996	55,701	58,160
SUBTOTAL	**492,328**	**518,478**	**464,127**	**453,651**	**440,890**	**430,506**	**430,497**	**439,732**	**453,527**	**457,071**	**438,754**	**432,400**	**432,235**	**436,918**	**446,966**	**449,219**	**454,281**	**476,384**	**499,567**
Other Operators																			
Caltrain	4,866	5,160	5,305	5,458	5,422	5,596	5,622	6,351	7,200	7,400	7,500	6,924	7,028	6,127	7,040	8,632	8,622	8,735	9,925
CCCTA	2,550	3,037	3,432	3,800	3,781	3,725	3,765	4,062	4,221	4,248	4,255	4,649	3,898	4,180	4,525	4,287	4,533	4,694	4,991
Vallejo	1,100	1,026	1,009	1,124	1,044	1,217	1,606	1,758	2,104	2,304	2,300	2,455	2,529	2,766	3,140	3,442	3,714	3,903	3,626
Other	1,915	2,263	2,714	2,787	2,873	3,233	4,380	5,397	6,007	6,363	6,813	6,752	6,998	7,660	8,357	9,620	11,036	12,389	14,929
SUBTOTAL	**10,431**	**11,486**	**12,460**	**13,169**	**13,120**	**13,771**	**15,373**	**17,568**	**19,532**	**20,315**	**20,868**	**20,780**	**20,453**	**20,733**	**23,062**	**25,981**	**27,905**	**29,721**	**33,471**
Regional **TOTAL**	**502,759**	**529,964**	**476,587**	**466,820**	**454,010**	**444,277**	**445,870**	**457,300**	**473,059**	**477,386**	**478,985**	**459,534**	**452,853**	**457,651**	**470,028**	**475,200**	**481,986**	**506,105**	**533,038**

* Muni ridership over predicted for these years.

Notes: 1) 2000/01 is latest data from National Transit Database, except for Altamont Commuter Express, Capitol Corridor, and Oakland AirBART.

2) FY 1988/89 to FY 1999/00 numbers are from MTC s Statistical Summary of Bay Area Transit Operators and include paratransit riders.

3) FY 1982/83 to FY 1987/88 numbers are from various sources, including TDA reports, by operators and, FTA/UMTA data.

4) Other includes: Fairfield-Suisun, Napa Transit, Santa Rosa, Sonoma, LAVTA, Tri-Delta, Union City, WestCAT, Capitol Corridor, Altamont Commuter Express, and Oakland AirBART.

MTC Graphics/ms 2/20/02

Table 5B

Major Near Term Transit Expansion Projects that will Promote Ridership Increases
(and opening dates)

1. BART Extension to the San Francisco International Airport (late 2001)

2. Regional Express Bus Program (mid-2003)

3. Caltrain Express (late 2003)

4. VTA Tasman East light rail extension (early 2004)

5. VTA Capitol Corridor light rail extension (early 2004)

6. Muni Metro light rail Third Street Corridor (late 2004)

7. VTA Vasona light rail (mid-2005)

TCMs from 1982 Bay Area Air Quality Plan

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
3	Seek to expand and improve public transit beyond committed levels	TCM 3 was to upgrade and expand transit service between the years 1982–83 and 1987–88 through capital improvements.	MTC seeks sources of new revenue. If funding exists, transit operators implement plans to expand services.	Emission targets were based on an assumed 15 percent increase in the combined fleet size of the nine major operators over this five-year period. During this period, the size of the major operator fleet increased by 10.6 percent. However, between FY 83/84 and FY 98/99 the Bay Area transit fleet has grown from 3,751 vehicles to 4,725 vehicles, a 26% increase.	TCM fully implemented.

TCMs from 1982 Bay Area Air Quality Plan

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
4	Continue to support development of HOV lanes (see also TCM 20) (Emission credit based on specific projects)	TCM 4 involves the development of new carpool (High Occupancy Vehicle) lanes. TCM 4 addresses those HOV lanes that were under consideration at the time the 1982 SIP was developed. For reporting purposes, this TCM has been defined as those projects that were operational as of February 1990. After February 1990, further HOV lane additions are addressed in TCM 20.	MTC will continue to support HOV lanes where justified on a case-by-case basis. At the time of the 1982 Plan, the following projects are ones where HOV treatments were being considered: • I-580 from Rte. 24 to Bay Bridge — EIS to be completed Fall 1983, project implementation by 1987. • Rte. 101 in Marin (Stage 2) — Negative Declaration under review, project implementation by 1986. • I-80 — EIS to be completed September 1983, project implementation unknown. • Rte. 237 from Lawrence Expressway to Rte. 17 — environmental documentation under review, construction by 1984–85.	HOV Lanes operational as of February 1990: • Rt. 92, westbound approach to San Mateo Bridge • 1-580, Bayview Avenue to Harbour Way • I-80, westbound approach to Bay Bridge • Rt. 84, westbound approach to Dumbarton bridge • Rt. 101, from Richardson Bay Bridge to Tamalpais Drive • Rt. 101, North San Pedro Creek to Miller Creek. • I-80, Sterling St. eastbound on-ramp to Bay Bridge. • I-80, Busway from Bay Bridge to Transbay Terminal • I-280, Sixth St. to Army St. (currently not operating due to 1989 earthquake damage) • Rt. 237, from Rt. 880 to Lawrence Expressway • Rt. 101, Guadalupe Expressway to San Mateo County line • San Tomas Expressway, Rt. 17 to Rt. 101 • Montague Expressway, Rt. 101 to Rt. 680 Bay Bridges: The following bridges in the Bay Area had and continue to provide toll-free crossing for HOVs during commute hours: Golden Gate, Richmond-San Rafael, Oakland-San Francisco, San Mateo, and Dumbarton. In 1995, the toll was eliminated for HOVs on the Carquinez, Benicia-Martinez and Antioch bridges.	TCM fully implemented. The 1982 TCM description indicates the lanes would be 3+ occupancy. The origin of this requirement is unknown. Occupancy requirements have always been established on a case-by-case basis, depending on the traffic conditions in the corridor. The proposed 2001 Ozone Attainment Plan calls for a review of HOV lane occupancy requirements as a "Further Study Measure."

TCMS FROM 1982 BAY AREA AIR QUALITY PLAN

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
5	Support Regional Rideshare Program (Emission reductions included in baseline.)	TCM 5 calls for support of Regional Rideshare Program. MTC serves as project manager for the Regional Rideshare Program. Services are currently provided through a contract with RIDES for Bay Area Commuters, Inc. (RIDES), a non-profit corporation.	MTC to reaffirm measure in 1982 Review of Air Quality Plan. Effectiveness of measure assessed in annual RFP reports.	Regional Rideshare Program major activities include automated ridematching services, vanpool formation, employer and local government services and marketing and outreach efforts to encourage the use of transportation alternatives. The Bay Area's Regional Rideshare Program is fully funded through FY 2003-04 through county commitments of STIP and TFCA funds, MTC's own TDA funds, and the Air District's TFCA funds (the Air District has agreed to award $1.0 million to the program annually on a non-competitive basis beginning in FY 2000-01.) MTC continues to work with the Congestion Management Agencies (CMAs), the Air District, local TDM programs, public transit operators and private employer associations in the region to refine and improve the services offered by the program.	TCM being implemented. The 2001 RTP provides for the continuing implementation of this program.
6	Continue efforts to obtain funding to support long-range transit improvements (see TCM 16). (No emission reductions taken, as implementation assumed after 1987.)	Deleted by EPA action on August 28, 2001. The following description provided for historical information only. • Guadalupe Corridor Light Rail System—Engineering to be completed Fall 1983 • BART—Design of North Concord and Warm Springs extensions will begin in FY 1982-83			Measure permanent.

TCMs from 1982 Bay Area Air Quality Plan

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
7	Preferential Parking (Emission reductions assumed in baseline.)	TCM 7 entails construction of preferential parking for carpools, transit users and vanpools. Caltrans is the principal agency responsible for implementing this TCM. (Included in the baseline emissions for 1982 plan.)	MTC reaffirms measure in 1982 Review of Air Quality Plan. Caltrans to open six lots in FY 1982–83, three in FY 1983–84 and eight in FY 1984–85.	Caltrans currently owns and operates 50 park-and-ride lots with 5,238 spaces. Thus, the original goal of opening 17 new lots has been exceeded. Parking facilities provided by transit operators: • BART provides 41,599 spaces for its transit stations at 29 stations of its 39 stations. BART has designated spaces for carpools and vanpools to BART and for mid-day use. • For its bus system, Santa Clara Valley Transportation Authority (VTA) operates 14 park and ride lots (of which five lots are owned by VTA (317 spaces), one lot is leased (36 spaces), and eight are shared use lots (392 spaces) providing a total of 745 spaces. For its light rail system, VTA operates 14 district-owned park-and-ride lots providing a total of 5,901 spaces. As requested by the Conformity Task Force, MTC researched the issue of vanpool parking in San Francisco as an information item. The City and County of San Francisco provides free parking for vanpools at all parking spaces with meters for 1 hour or greater and in 1+ hour parking zones. To be eligible for this benefit, the vanpool must display a permit from the Department of Parking and Traffic.	TCM fully implemented.

TCMs from 1982 Bay Area Air Quality Plan

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
8	Shared Use Park And Ride Lots	TCM 8 is a program to share park and ride lots for transit/carpooling and is similar to the preferential parking program (TCM 7), but differs in certain administrative, location, and functional aspects.	The purpose of the measure when the 1982 plan was written was to continue an on-going program, involving establishment of 14 new joint use parking lots per year. Schedule was not specified. Emission reductions assumed 56 lots, or 1,400 spaces, opening up between 1983 and 1987.	Caltrans manages a Joint Usage Lot Program that identifies and provides commuter parking spaces in otherwise under-utilized private and local public agency parking lots (these are often found at churches, retail shopping centers parking lots, or parks near bus stops). Caltrans provides public liability and property damage insurance to parking lot owners, while the owner provides routine maintenance under the terms of no-cost agreements. Through 1998 the goal of over 1400 spaces had been reached. Due to a change in Caltrans policy, there has been a reduction in shared use park-and-ride lot spaces. The future trend is to encourage publicly owned park-and-ride lots. As of August 2001, Caltrans managed 3 joint-use lots with a total of 117 spaces in privately owned lots and VTA operated nine shared use park-and-ride lots providing a total of 271 spaces as described in TCM 7, for a total of 388 spaces. However, despite this change in policy, the combined park and ride spaces in both TCMs 7 and 8 have greatly exceeded the original goal.	TCM fully implemented.

TCMs from 1982 Bay Area Air Quality Plan

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
9	Expand Commute Alternatives Program	In the 1982 Plan, TCM 9 focused on the Commute Alternatives Program created by MTC to involve Bay Area employers in developing alternatives to drive alone commuting. Participating companies and agencies appoint Employer Transportation Coordinators (ETCs) who, after training, provide commute alternatives information, sell transit passes, and assign preferred parking spaces to carpools. MTC developed a Commute Alternatives Manual to be used in training sessions and three supplements to the manual: the Carpool Handbook, Relocation Chapter, and Shuttle Handbook.	Conduct two training sessions each year for the years 1983 through 1987.	More than two employee transportation coordinator training classes per year were conducted between 1983 and 1987. MTC turned over this program to RIDES in FY 1987–88, and MTC continued to fund RIDES' ETC training activities through June 1994. (See TCM 5.) Beginning with the implementation of Regulation 13, Rule 1 in January 1993, RIDES offered a two-day BAAQMD-certified ETC training entitled "Getting Started in Employer Transportation Management." In total, with funding assistance from MTC, RIDES trained more than 2,300 ETCs in commute alternatives programs during the years 1988–1994.	TCM fully implemented.

TCMs from 1982 Bay Area Air Quality Plan

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
10	Information Program For Local Government	To implement TCM 10, MTC published several reports intended to provide guidance to local governments who were in the process of developing traffic and air quality mitigation programs.	Compile and print manual by July 1983. Conduct outreach/ training program during FY 1983–84.	MTC published the following: • Traffic Mitigation Reference Guide, 1984: discusses how local governments can incorporate traffic mitigation into their development review process. • A New Gameplan for Traffic Mitigation, 1988: presents a case study of the Bay Area's experience with the deployment of traffic mitigation efforts and evaluates the success of these efforts in increasing vehicle occupancy. • Key Considerations for Developing Local Government TSM Programs, 1988, revised 1991: updates the traffic mitigation efforts. • What We Know and Don't Know About Traffic Mitigation Measures, 1990: provides detailed guidance for jurisdictions considering the adoption of trip reduction ordinances.	TCM fully implemented.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
13	Increase Bridge Tolls to $1.00 on all Bridges.	TCM 13 reflected MTC efforts to raise bridge tolls to provide new sources of transportation funding and improve air quality. MTC actively participated in development of SB 45 (Lockyer) — a comprehensive bridge toll bill for all seven state-owned bridges in the Bay Area. The legislation requires that not less than 90 percent of the auto toll increase on the San Francisco-Oakland Bay Bridge must be used exclusively for rail transit capital improvements to reduce traffic congestion on the bridges, with 70 percent expended in the East Bay and 30 percent in the West Bay. Up to 3 percent of the revenue from each bridge unit (bridges are grouped into northern and southern units) is allocated by MTC to other projects or plans for projects that reduce traffic congestion on the bridges, such as ferries and bicycle facilities.	Increase bridge tolls on all state-owned bridges to $1.00.	The legislation authorized a ballot measure to increase tolls for autos to $1 on all state-owned bridges in the Bay Area. Voters approved the Regional Measure 1 ballot measure in November 1988. The toll increase to $1.00 on all seven state-owned bridges became effective on January 1, 1989. MTC was also authorized to raise commercial vehicle tolls by 50 percent.	TCM fully implemented.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
14	Bay Bridge surcharge of $1.00.	The Legislature approved a $1 bridge toll surcharge on all state-owned Bay Area bridges (effective January 1998) for seismic upgrades to five bridges.	Increase Bay Bridge toll to $2.00 to discourage single occupant automobile use and improve transit.	Effective January 1998, a $1 bridge surcharge was approved by the Legislature for all state-owned Bay Area toll bridges, increasing tolls on all Bay Area bridges from $1 to $2. These monies will help fund seismic retrofit of five of the region's bridges. In the case of the San Francisco-Oakland Bay Bridge, the toll will pay for replacement of the eastern span. The revenues from the surcharge are administered by Caltrans, but the Bay Area Toll Authority (BATA) extended the surcharge for two additional years, through 2008, to pay for two authorized "amenities": a "signature" new eastern span of the Bay Bridge and bicycle/pedestrian access for the new eastern span of the Bay Bridge. BATA has the option of extending the surcharge to pay for replacement of the Transbay Transit Terminal and bicycle/pedestrian access for the existing western span of the Bay Bridge. The Legislature is currently considering making the surcharge permanent.	TCM fully implemented. Emission reductions exceed those in original TCM.
15	Increase State Gas Tax by 9¢	TCM 15 involved an increase in the state gas tax, a measure before the Legislature at the time MTC adopted the new TCMs.	Raise state gasoline tax from 9 cents to 18 cents per gallon.	MTC participated in the development of the transportation funding package sponsored by the state Legislature and which was placed on the June 1990 ballot as a State Constitutional Amendment (SCA) 1. SCA 1 allowed for a 9¢ increase in the state gas tax, to be collected as a user fee. Voters approved the measure in June 1990. A 5¢ per gallon increase in the fuel tax went into effect on August 1, 1990. The tax increased another 1¢ per gallon on January 1, 1991 and continued to increase by 1¢ on January 1 of each of the next three years, for a total of 9¢.	TCM fully implemented.
16	Implement MTC Resolution 1876, Revised – New Rail Starts Agreement. (BART extension to Colma only)	This measure was deleted from ozone plan by EPA on August 28, 2001. (Historical description is provided for information purposes only.) This TCM only took emission reduction credit for the BART extension to Colma, which opened in February 1996.	.		Measure permanent.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
17	Continue October 1989 Post-Earthquake Transit Services.	For ferry service, TCM 17 sought to preserve ferry service from Alameda/Oakland and expanded ferry service from Vallejo implemented after the Loma Prieta earthquake on October 17, 1989. In addition, this TCM sought to preserve expanded peak period BART service.	Ferry Service: preserve new ferry service initiated after the earthquake. This measure only takes emission credit for the Alameda/Oakland and expanded Vallejo ferry service initiated after the 1989 earthquake. BART: Continue expanded peak-period service, including extended hours of peak service on four lines and added trains to the peak period.	In May 1997, two new 300-passenger vessels were added to the Vallejo-San Francisco ferry service. Vallejo currently operates 11 weekday round trips between the downtown ferry terminal and the San Francisco Ferry Building during the morning and evening commute periods. The Alameda to San Francisco service was initiated in 1992. One new Alameda-San Francisco 400-passenger vessel went into service in October 1997. Currently, the service is supported by 5% state unrestricted funds and local funds from the City of Alameda, an assessment district, and the Harbor Bay Isle Business Park. The City of Alameda and the Ports of Oakland and San Francisco have all completed various ferry terminal improvements. Currently BART is operating: extra hour of commute service during the weekday on two lines (6 am to 7 p.m.); early system start-up on weekdays and Sunday; and faster running speeds (no increase in capacity). Additionally, BART increased peak period trains to 56 by mid-1997 and it is planning a further increase to 75 trains when the BART-SFO extension opens in 2002.	TCM fully implemented. Emission reductions exceed those in original TCM.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
18	Sacramento-Bay Area Amtrak Service	TCM 18 focused on the initial Capitol Corridor intercity rail service (Colfax-Auburn-Sacramento-Oakland-San Jose Corridor). Emission credit is taken for three trains in each direction between Sacramento and the Bay Area	Implement near-term improvements recommended in ACR 132 Rail Study.	Passenger intercity rail service in the Capitol Corridor between Sacramento and San Jose was introduced with three trains a day in December 1991 and was managed by the Caltrans Division of Rail. Legislation passed in 1996 created a new format for administering the Capitols. On July 1, 1998, the management of the Capitol Corridor train and feeder bus service was transferred from Caltrans to the Capitol Corridor Joint Powers Authority (CCJPA). BART now provides day-to-day management support to the CCJPA. Amtrak West continues to operate the trains and feeder bus service. In April 1996, service increased to four round trips per day between Sacramento and Oakland, three round trips between Oakland and San Jose, and one daily trip extending to Colfax. Beginning on February 27, 2000, the Capitol Corridor began providing seven round trip trains between Oakland and Sacramento with four round trips between Oakland and San Jose. As of August 2001, there are nine round trips between Sacramento and Oakland, four round trips between Oakland and San Jose (six on weekends), and one round trip between Auburn and Sacramento. In Fall 2002 the CCJPA, with operating support from the State, will add a tenth and eleventh train in the corridor. Additional track infrastructure work is required to achieve CCJPA's goal of 16 round trip trains per day for the entire corridor.	TCM fully implemented. Emission reductions exceed those in the original TCM.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
19	Upgrade Caltrain Peninsula Service	TCM 19 implements Caltrain service improvements by increasing daily trains to 66 and extending service to Gilroy.	Improve existing service by: • Increase service frequency from 52 trains to 66 trains per day. • Extend service to Gilroy.	In July 1, 1992, the Peninsula Joint Powers Board increased service from 54 to 60 trains per weekday (30 round-trip trains) with Amtrak as the new operator of Caltrain. In July 1992, Caltrain service was extended two miles south of San Jose's Cahill Station to the Tamian Station. This extension allows a direct connection to the VTA LRT system. Gilroy service began in July 1992 with four weekday trains, and currently there are eight weekday trains (four round-trip trains) going to Gilroy. In July 1997, Caltrain began operating 66 weekday trains. In April 1999, Caltrain began operating 68 weekday trains. Currently, Caltrain operates 80 trains per weekday.	TCM fully implemented. Emission reductions exceed those in the original TCM.
20	Regional HOV System Plan.	TCM 20 provides additional HOV lanes beyond those in TCM 4. In April 1990, MTC adopted the 2005 HOV Lane Master Plan which anticipated 221 new lane miles of HOV beyond the 64 lane miles that existed in 1990.	Expand and improve HOV lane system by developing and implementing MTC HOV Lane Master Plan. This TCM assumed a net increase of 221 HOV lane directional miles compared to 1990.	As of December 2000, the Bay Area had 263 miles of freeway HOV lanes and 50 miles of Santa Clara County expressway HOV lanes, for a total of 313 Bay Area HOV lane miles.	TCM fully implemented. Emission reductions exceed those of the original TCM.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
21	Regional Transit Coordination	TCM 21 includes various types of projects with the objective of reducing the barriers to transferring between transit systems such as through fare and service coordination.	MTC supports legislation raising Bay Bridge toll to $2. New bill to be considered by State Legislature (SB 2100). Funds would be applied to free bus access to BART and 2 for 1 off-peak rider discount. Transit operators would implement new fare policy.	MTC supported the bridge toll legislation (SB 2100) which did not pass which would have provided free bus/BART transfers. MTC's responsibilities with respect to transit coordination have continued to increase. MTC has implemented SB 602 schedule/fare coordination mandates; multi-operator passes; inter-operator transfers between buses and ferries, and Regional Transit Information centers. In July 1996, SB 1474 modified MTC's authority to recommend, in consultation with the region's public transit operators, (1) consolidation of certain functions to improve the efficiency of regional transit service; and (2) improvements in service coordination and effectiveness in corridors of regional significance through reduction of duplicative service and institution of coordinated service across public transit service boundaries. The Commission's adopted Transit Coordination Implementation Plan (MTC Resolution 3055) incorporates a series of projects that are consistent with the objectives of SB 1474, as follows: • TransLink®: demo program in winter 2002, full implementation expected in 2003 • Paratransit Technical Assistance Program (PTAP) • Interagency Paratransit Service • Transit Trip Planning System – TranStar • TravInfo® 817-1717 Regional Transportation Info System • Regional Transportation Marketing • Commuter Choice • Regional Transportation Guide Update • Regional Discount Card Improvements • ADA Paratransit Eligibility Program • Low Emission Bus Initiative • Regional Links • Santa Rosa Transfer Facility • Trans Response Plan (TRP) • Fare/Transfer Agreements	TCM being implemented. Since the bridge toll legislation did not pass, MTC has concentrated its efforts on the service and fare coordination aspects of this TCM.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
22	Expand Regional Transit Connection (RTC) Services	TCM 22 focused on expanding Regional Transit Connection services for two ongoing projects—Regional Transit Connection (RTC) Clearinghouse and Commuter Check.	Maintain RTC program and expand Commuter Check program. .	Started in 1984, the RTC Clearinghouse encourages employees to use public transit by making tickets conveniently available at their place of work. Participating operators include AC Transit, Alameda/Oakland Ferry Service, BART, Caltrain, CCCTA, GGBHTD, MUNI and SamTrans. The RTC Clearinghouse serves approximately 200 employers and sells about $10 million worth of transit tickets annually. Since 1998 Muni assumed responsibility for operating and maintaining the program. Initiated in 1991, Commuter Check was created to offer tax savings to both employers and employees when they take transit to work. Employers can offer Commuter Checks, which are transit vouchers, as a benefit to their employees or employees can request their employers to deduct their pre-tax salary for purchasing Commuter Checks. Employees then use the vouchers to buy transit tickets. Since its inception, nearly $50 million worth of Commuter Checks have been sold to over 2,300 companies in the Bay Area. The program has received awards from the Governor and the American Lung Association.	TCM fully implemented.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
23	Employer Audits	TCM 23 identified high visibility companies who acted as "pacesetters" or models for effective voluntary employee Commute Alternatives Programs; The TCM was also intended to help build networks for employers/other institutions.	Review and enhance programs; provide audit reports to document results.	In July 1990, MTC contracted with RIDES to conduct the initial phase of this program. The Employer Audits Program resulted in the formation of the Bay Area Corporate Employee Transportation Managers Group, which was composed of corporate transportation managers from large Bay Area companies including Lockheed, Hewlett Packard, PG&E, and Chevron. RIDES acted as the coordinator of the group's activities and meetings, which ended in February 1998. In 1995, the Employer Network Project assisted companies in finding mentor companies to help design and implement specific transportation alternative programs. The project formed six new networks: Bicycle program managers, college and university employee transportation coordinators (ETCs), hospital and health care ETCs, public employee ETCs, TCM Managers Network and the ETC Referral Net. After the Employer Network Project was completed, the Corporate Group invited large employers from the hospital, colleges and universities and public employees networks to joins their group. In FY 2000/01, RIDES formed the TDM Network Group. This group of TDM managers for some Bay Area cities and counties and ETCs for large employers meets on a quarterly basis. RIDES uses the group to obtain valuable feedback on program products and services, and explore new ideas and shares information in this forum.	TCM fully implemented.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
24	Expand Signal Timing Program to New Cities.	TCM 24 involves re-timing and coordinating signals throughout the Bay Area for more efficient vehicle operations. Emission reduction assumptions for this TCM are based on a target of timing signals that affect 60% of the regional VMT. The Bay Area had approximately 5,500 traffic signals in 1993. At this time, it is likely that the re-timing target has been achieved.	• MTC will work with local jurisdictions to upgrade traffic control equipment and develop multi-jurisdiction signal timing projects along major arterials.	MTC has taken steps to secure funding as follows: • In 1993, MTC initiated a program called the Regional Traffic Signalization Optimization Program (RTSOP), which utilized federal funds to upgrade signal equipment in the Bay Area. • In 1994-95, CMAQ provided approximately $13 million for signal projects in the region. • The 1997 TIP provided an additional $4.5 million in Surface Transportation Program (STP) funds for 27 RTSOP projects that included 774 traffic signals. • BAAQMD funded $8 million in signal timing projects with vehicle registration fees in the Bay Area through FY 1995-96 and $985,000 in FY 1999-00. • The FY 2001 TIP programs $34.3 million for signal projects. By the end of 2001, MTC will complete an arterial database that will provide up to date information on the status of signals re-timing plans for most signals in the region. This database will provide the most accurate inventory on the status of current signal operations.	TCM fully implemented per findings of Conformity Task Force.
25	Maintain Existing Signal Timing Programs on Local Streets	TCM 25 is closely related to TCM 24, but focuses on technical assistance to cities. In addition, signals that have been upgraded/retimed in TCM 24 must periodically have their timing plans rechecked and adjusted (about every 3-5 years) for changes in traffic conditions.	MTC will seek funds to help jurisdictions maintain their existing timing plans.	In 1993, MTC established a Traffic Engineering Technical Assistance Program (TETAP) which uses traffic engineering firms to maintain and update local jurisdiction signal timing plans. TETAP began in 1993 with $500,000 in CMAQ funds, and an additional $200,000 was programmed in 1995 TIP for this program. The 1997 TIP programs an additional $400,000 in STP funds to continue TETAP through fiscal year 1999–00. The FY 2001 TIP further programmed $750,000 for TETAP. Under the succeeding federal legislation (TEA-21), MTC allocated approximately $1.2 million for TETAP over the five-year period from 1998 through 2003.	TCM being implemented.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
26	Incident Management on Bay Area Freeways	TCM 26 addressed air quality improvements that could be achieved by improving the flow of traffic and better incident management on a segment of I-880. The main strategy is the implementation of Caltrans Traffic Operations System which includes: 1) changeable message signs, 2) in pavement traffic monitoring loops, 3) freeway surveillance and video cameras, 4) a central Traffic Management Center for information processing and action, and 5) metering of freeway on ramps for smoother flows.	Completion of Caltrans' Traffic Operation System for 45-mile Cornerstone Project on I-880 between Oakland and the Santa Clara county line, which has the requisite incident management features.	The Cornerstone Project extends approximately 45 miles on I-880 to the Santa Clara County line, and includes ramp metering over approximately 20 miles of I-880 between Oakland and Fremont. Operation of the ramp meters began in the middle segment in 1996, and the rest of the Cornerstone project became operational in 1999.	TCM fully implemented.
27	Update MTC Guidance on Development of Local TSM Programs	TCM 27 involved development of guidance to local governments on implementing TSM programs and ordinances.	Develop guidance.	MTC prepared report Key Considerations for Developing Local Government TSM Programs in December 1988. An update of this report was completed October 1990. The report was widely distributed to cities, counties and Congestion Management Agencies in March 1991.	TCM fully implemented.

CONTINGENCY TCMS ADOPTED IN 1990

#	TCM	Background	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
28	Local Transportation Systems Management (TSM) Initiatives	TCM 28 calls on MTC to support local TSM initiatives and to develop a Model Trip Reduction Ordinance for use by local jurisdictions. These local ordinances commonly require employers and developers to provide commute alternatives information, appoint a Transportation Coordinator, survey employer commute modes, and provide a program of measures designed to encourage commute alternatives use.	Measure intended to enhance effectiveness of employer-based trip reduction efforts by: • Improved quality of information on commute alternatives • Improved refinement of incentives to better match employee needs • Improved marketing campaigns • Higher level of market penetration • "Bandwagon effects" in which both employers and employees consider commute alternatives because their peers are doing so. Also includes MTC preparation of a Model Trip Reduction Ordinance to be used by cities and counties for employer-based trip reduction programs.	MTC prepared a model trip reduction ordinance in 1991and transmitted to the Air District and cities and counties. In 1995, the California legislature eliminated employee based trip reduction programs (SB 437). Some Bay Area jurisdictions have ordinances that encourage voluntary trip reduction efforts. The Air District's Trip Reduction Rule was adopted in December 1992 for employers of 100 or more people. However, BAAQMD suspended implementation of Regulation 13, Rule 1 in October 1995. BAAQMD and some local jurisdictions continue to encourage voluntary employer trip reduction efforts. In addition, a new group has been established called the Bay Area Clean Air Partnership, which plans to support and expand voluntary trip reduction efforts. The Bay Area Clean Air Partnership (BayCAP) is a consensus initiative established in 1996 by the BAAQMD, the Bay Area Council, the Santa Clara Valley Manufacturing Group, and other interested parties. Their goals include: • Form a broad-based, voluntary partnership that can reach the general public to encourage emissions-reducing activities. • Promote greater awareness of air quality issues, particularly during the critical ozone season. • Promote extra encouragement on "Spare the Air" days to limit air pollution through reduced use of cars, equipment or activities that cause smog. • Permit businesses and organizations to get credit for emission reductions achieved through voluntary programs. • Explore possible new voluntary strategies to reduce emission.	TCM fully implemented.

Source: Metropolitan Transportation Commission, 2001.

Federal Transportation Control Measures for Carbon Monoxide

Table 6 provides a summary of the Federal TCMs for carbon monoxide, and reviews their current implementation status relative to the implementation schedule in the applicable SIP.

TABLE 6
FEDERAL TRANSPORTATION CONTROL MEASURES FOR CARBON MONOXIDE

CO CONTROL STRATEGIES

#	TCM	Description	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
11	Gasoline Conservation Awareness Program (GasCAP).	GasCAP was funded by the California Energy Commission, sponsored by Caltrans, and administered by West Valley College. It entailed a training program oriented towards large vehicle fleets to teach proper trip planning, vehicle maintenance, and driving techniques.	Additional training centers can be operational within one year of funding.	The GasCAP was discontinued in 1984. From 1989–1994, the California Energy Commission, through its Energy Partnership program, continued to fund and support programs to improve fuel efficiency of city and county vehicle fleets. There are still activities in the region that carry on some of the work started by the Energy Partnership program. These independent efforts are continuing and meet the intent of GasCAP. • California County Fleet Managers Association (established in 1998) meets three times a year to discuss fuel conservation and new technologies and equipment. • Every two years, public fleet managers in California hold a statewide conference. • Started in 1977, Spectrum Consultants, Inc. publishes "California Fleet News" at no cost for fleet managers, and regularly sponsors training and seminars each year (usually pertaining to fleet efficiency). • Clean Cities, a program sponsored by the U.S. Department of Energy, encourages the use of alternative fuel vehicles (AFVs) and their supporting infrastructure. Three Bay Area "Clean Cities Coalitions"—San Francisco, South Bay, and East Bay—actively work with businesses and government agencies to develop the AFV industry within the region.	TCM fully implemented.

CO CONTROL STRATEGIES

#	TCM	Description	Ozone Attainment Plan Implementation Schedule	Implementation Status	Findings
12	Santa Clara Commuter Transportation Program (A downtown San Jose CO control strategy.)	TCM 12 focused on VTA's Commute Transportation Program (adopted in 1982), which consists of a ridesharing program, express bus service, park-and-ride lots, upgrading the Southern Pacific Railroad (Caltrain) service, and HOV lanes. Several aspects of the Commute Transportation Program have been addressed in previous discussions of other TCMs. VTA's park-and-ride lots are discussed in TCM 7 (Preferential Parking), TCM 9 (Commute Alternatives Program) and HOV lanes on the county's freeways and expressways. Contingency TCMs were later adopted to make up for a regional CO shortfall. These TCMs and enhancements to TCMs (i.e., operation of the Guadalupe LRT system) provide emission reductions in downtown San Jose. Based on information and assumptions in 1982, the TCM goal was ambitious—to have 50 percent of all commuter trips in downtown San Jose using some form of alternative to the single occupant vehicle (SOV). As requested by the Conformity Task Force, MTC researched current mode shares as an information item. The 1998 share of non-SOV commuting is 26.9 % in the region, 19% in Santa Clara County and 27.8% in downtown San Jose, but the strategies continue to be implemented.	Schedule is not specified.	Santa Clara Valley Transportation Authority (VTA) adopted the Commute Transportation Program in 1982. All programs ongoing, as follows: • Upgrading of Caltrain commuter rail service on the Peninsula has occurred. • Santa Clara County's ridesharing program consists of activities conducted by the Santa Clara County Manufacturing Group, VTA and RIDES. RIDES has a satellite office that supports individual employer programs with RIDES' full range of services (ridematching, vanpool services, on-site promotions, etc.). • City of San Jose participates in the Commuter Check Program and Eco Pass Program. • VTA operates an 11-route express bus system.	TCM is being implemented.

Source: Metropolitan Transportation Commission, 2001.

RESPONSE TO PUBLIC COMMENTS

The comment numbers below refer to sections of e-mails and letters which follow these written responses.

The following public comments were received from Mr. David Schonbrunn in an e-mail dated October 28, 2001:

Comment 1: According to MTC's own conformity procedures, "Each new transportation plan must be found to conform before the transportation plan is approved by the MPO and accepted by DOT." This means that EPA must find the budget adequate and a conformity determination completed before the Commission can act to approve the RTP.

Response 1: This quotation is taken from Section 93.104 (b)(1) of EPA's Transportation Conformity Regulations, which were adopted as the applicable conformity criteria in the Bay Area SIP. See response to Comment H1 below.

Comment 2: The conformity analysis needs to review the effectiveness of TCMs consistent with Section 93.110 (e) which states: "The conformity determination must use the latest existing information regarding the effectiveness of the TCMs and other implementation plan measures which have already been implemented."

Response 2: The effectiveness of existing TCMs, most of which have been completed, is reflected in the baseline emission estimates. Ridership data relevant to the implementation of TCM 2, as construed by the United States District Court, is included in the conformity analysis. The effectiveness of new TCMs in the SIP for which SIP emission credits have been taken will be monitored in future conformity assessments.

Comment 3: Certain TCMs should be allowed to take place during a conformity lapse, including:TCM 21 (Transit Coordination)- fund free Bus to BART transfers and off peak discounts; and TCM 12 (Santa Commuter Transportation Program)-fund Caltrain Baby Bullet, Rapid Rail, and electrification improvements.

Response: 3. While the topic of which projects could proceed under a conformity lapse is not a comment on the conformity determination per se, we note that TCM 12 could not be so broadly construed as to include such significant Caltrain improvements. We also note that the source of operating funds for the TCM 21 bus/BART transfers was proposed bridge toll legislation in the early 90's which MTC supported, but which did not pass the legislature.

The following public comments were received from Mr. David Schonbrunn in a letter dated January 15, 2002:

Comment A (see January 15, 2002 letter)
Response A: It would be inappropriate for MTC to comment on many of these letters/exhibits as they relate to matters which must be addressed by EPA. With respect to letters on the 2001 RTP, the issues raised have already been considered by MTC in developing the 2001 RTP.

Comment B (see January 15, 2002 letter)
Response B: This is a broad unsupported statement that cannot be reconciled with the motor vehicle emission forecasts that show substantial declines in emissions between now and the attainment year and beyond. The 2001 Ozone Attainment Plan shows motor vehicle emissions from ozone precursors will be reduced by 31% (VOC) and 23% (NOx) between 2000 and 2006. The August 2001 Draft Environmental Impact Report for the 2001 RTP shows that motor vehicle emissions will continue to decline significantly between 2006 and 2025 (34% for NOx and 64% for VOC).

Comment C (see January 15, 2002 letter)
Response C: These various comments, with which MTC disagrees, relate to matters which must be addressed by EPA.

Comment D (see January 15, 2002 letter)
Response D: This comment relates to matters which must be addressed by EPA.

Comment E1 (see January 15, 2002 letter)
Response E1: Response E1: The Federal District Court's Order does not affect a conformity finding for several reasons: (1) the emission reduction shortfall associated with TCM 2 has been made up through adoption of contingency TCMs in 1990; (2) the Order does not address the question of what constitutes "timely implementation" of TCM 2 on a going-forward basis, nor was the conformity issue raised in the court proceedings; and (3) the Order contains no finding that MTC's policies and programs as reflected in the 2001 RTP or any other document have interfered or will interfere with the achievement of transit ridership growth, nor could it have contained such a finding.

The Court did find that there is an existing "independent" obligation to achieve a 15% increase in regional transit ridership relative to the 1982-83 baseline. TCM 2 itself provides that ridership increases will be achieved through productivity improvements, and the RTP certainly contemplates and provides for further transit coordination and productivity improvements at the operator level. A number of ongoing regional productivity efforts under the direct management of MTC, such as the universal TransLink® ticket, better transit information, and more coordinated service, are all geared to removing obstacles to future transit ridership growth.

Although TCM 2 specifically provides that ridership gains are to be achieved through support for transit operators' productivity improvements, MTC has taken and is taking steps beyond improvements in productivity to increase transit ridership. The range of available strategies for increasing ridership, beyond improving productivity, is fully reflected in the TIP and RTP, including: (1) a fair and equitable process of allocation of transit operating assistance, (2) investment in transit expansion, most notably the Regional Express Bus Program and rail additions in the recently adopted Regional Transit Expansion Policy, Program of Projects (These near term expansions are listed in Table 5.), (3) tripling the size of the Transportation for Livable Communities/Housing Incentive Program to develop more housing near transit and (4) the Commission's support for State Proposition 42 (March 2002) that will increase funding for transit.

The 2001 RTP, which earmarks 77% of available funding for a transit market that comprises a mode share of about 6% of current daily trips, is demonstrably a plan that devotes the highest priority to transit funding in general and to measures that will support ridership increases in particular. The sum total of these programs and projects is a projected 43% increase in ridership compared to levels in 2000 (assuming normal population and economic growth). There is, therefore, no factual basis to argue, as the commenter does, that the 2001 RTP and TIP amendment interfere with the implementation of TCM 2. The 2001 RTP and the proposed TIP Amendment build on and expand a record of transit support and demonstrably enhance incentives for increased transit ridership, and clearly do not interfere with TCM 2.

The Order makes no findings about the past implementation of TCM 2 other than to find that the 15% target has not yet been achieved. MTC notes, however, that in light of its long record of programmatic and financial support for transit productivity, and in light of the Bay Area's historic investment in transit, which has increased fleet size 18%, revenue hours 32%, and operating funds 36% relative to FY 82/83 levels, there is no factual basis to argue that MTC has ever interfered with the implementation of TCM 2, as the Court has construed it.

Indeed, based on this record one could have fairly anticipated a much greater transit ridership increase than was actually achieved. Unanticipated external factors in the past that prevented this transit support from yielding ridership gains at the level contemplated in TCM 2 – such as falling gas prices, expanding employment and rising average household incomes – were outside MTC's control. Updated planning assumptions and projections take the latest such economic and demographic trends and account, and represent the responsible agencies' best effort to forecast the future. MTC relies upon these forecasts both in projecting future ridership levels and in justifying and supporting the highly disproportionate investment in transit productivity, operations and expansion that is reflected in both the RTP and TIP. Based upon these latest planning assumptions, MTC has anticipated that the level of ridership associated with a 15% increase above the 1982-83 baseline will be achieved within the first five years or so of the 25 year planning period in the 2001 RTP.

As noted below, unanticipated external events may always work to increase or decrease transit ridership levels compared to those that MTC forecasts for particular future years based upon the assumptions of the 2001 RTP and TIP. After the forecasting was performed for the 2001 RTP, for example, external events have inhibited transit growth. An example is the loss of jobs – and therefore of transit work trips – in key transit accessible areas such as downtown San Francisco. It is unlikely that any set of strategies will be able to reverse such recent negative ridership trends in the near term. It is impossible at this time, however, to project the length of time that such trends will last, and it is therefore impossible to make a reliable forecast now of the medium- or long-term impacts of recent economic trends, and of the national threat of terrorism, on transit ridership levels. It is inappropriate, moreover, to continually delay adoption of, or conformity findings relating to, essential planning documents based on changing "real time" economic or political news.

Comment E2 (see January 15, 2002 letter)
Response E2: The data reported in the ridership table is through Fiscal Year 2000/2001. It is true that transit ridership has decreased after September 11, 2001, a situation that is clearly beyond the control of MTC or the transit operators. Data reported to the Federal Transit Administration for FY 2000/2001 show ridership growth of 12% over FY 82/83 levels (after adjusting Muni's FY 82/83 ridership level which Muni staff have since indicated was overestimated). Prior to September 11 it appeared that regional ridership growth was on track to reach the 15% increase level by or before the 2006 attainment date in the 2001 Ozone Attainment Plan. It is too early to say how long the current economic downturn and its effect on Bay Area transit ridership will last. It is inappropriate, however, to continually delay adoption of long range plans based upon changing current events. The statement that the RTP interferes with a goal of increasing transit ridership is unsupported by the evidence and contradicted by the continued unparalleled support for transit productivity and, indeed by the disproportionate investment in transit generally that is the hallmark of the 2001 RTP. MTC also disagrees that the TIP, with its substantial investment in transit, interferes with TCM 2. The commenter provides no specific arguments to support the assertions made.

Comment F (see January 15, 2002 letter)
Response F: If an attainment budget has been found adequate for a new attainment year (i.e., 2006), then no analysis is required for prior maintenance plan budgets for that year (2006) and subsequent years.

Comment G1 (see January 15, 2002 letter)
Response G1: EPA formally approved EMFAC2000 (referred to by CARB as "SF Bay Area-EMFAC2000") for use in the San Francisco Bay Area on January 11, 2002.

Comment G2 (see January 15, 2002 letter)
Response G2: MTC has provided TCM documentation to EPA as part of its past and ongoing review of the 2001 Ozone Attainment Plan. Any TCM emission reduction is an estimate of the likely effect using the best available information and methodology. Future conformity determinations will rely on data from the actual implementation of the TCMs, to the extent it is available. Emission estimates for TCM B (Bicycle/Pedestrian Program), TCM C (Transportation for Livable Communities), and TCM D (Additional Freeway Service Patrol) are calculated "off model". This is because the emission reductions from these types of programs cannot be captured by regional travel demand forecasting models which are designed to address changes in transportation supply and cost and the corresponding effect on transit use and vehicle activity. The effects of TCM A, which provides new Regional Express bus service, was not modeled for the attainment year. As a result, there is no double counting of benefits from any TCMs. The Regional Express Bus service was modeled in 2010, 2020, and 2025, but CARB's estimates for motor vehicle emissions in these years are well below the motor vehicle emission budgets for VOC and NOx.

Comment G3 (see January 15, 2002 letter)
Response G3: The travel model includes the following types of trips to airports: 1) work trips, which are airport employees, and 2) non work trips, which include air passenger and other miscellaneous airport trips to the extent such trips are captured in past MTC household travel surveys. It is therefore possible that the travel model under represents air

passenger trips and airport related VMT. However, since MTC's model-predicted VMT has been increased to better align with CARB's VMT data, it can be assumed that some of this additional VMT is airport related. Further, since the current share of air passenger trips to the San Francisco International Airport made by public transit is relatively small (as reported in past MTC air passenger surveys conducted at the San Francisco Airport), the extension of BART to the airport will not divert trips from other public transit modes, but will most likely attract air passengers to transit from autos. Therefore it is appropriate to equate air passenger trips on BART with reduced auto trips and VMT to the San Francisco International Airport. TCM E is a TCM, contrary to the commenter's assertion, because extension of BART to the airport qualifies as a TCM.

Comment G4 (see January 15, 2002 letter)
Response G4: This is another comment related to the development of the SIP and not a conformity issue. In responding to this comment during the public review of the 2001 Ozone Attainment Plan, MTC pointed out that project sponsors have a legal obligation to use the funds for the purpose for which they receive them, and the funding agreements between MTC and the project sponsors are enforceable. The comment that the TCMs are not in an approved RTP is incorrect, as all the TCMs are fully funded in the 2001 RTP which MTC will approve federal planning purposes now that EPA has found the conformity budget adequate. With respect to TCM A (the Regional Express Bus program), the California Transportation Commission has allocated all the funding MTC anticipated for this program, which totals $40 million.

Comment G5 (see January 15, 2002 letter)
Response G5: This is another comment that addresses issues with the 2001 Ozone Attainment Plan that have been addressed in the SIP development process. MS-1 includes a liquid leak inspection program which CARB is already implementing elsewhere in the state and vehicle evaporative system testing program which will be implemented by CARB/BAR after their regulatory development process is completed in early summer 2002.

Comment H1 (This is a comment in response to MTC's response to an earlier letter by the same commenter-See Comment 1)
Response H1: The original response stands and is updated by the following statement: The commenter believes that MTC cannot approve the 2001RTP before EPA approves the new motor vehicle emission budget submitted as part of the 2001 Ozone Attainment Plan. MTC has approved the RTP for state planning purposes (December 19, 2001), but will not approve the RTP for federal planning purposes until EPA finds the motor vehicle emission budget adequate.

Comment H2 (see note for H1)
Response H2: The original reply stands and is augmented by the following explanation: TCMs that have completed their implementation activities and are wholly in the past do not require continuous re-evaluation of their effectiveness. Further, as explained in EPA's preamble to the transportation conformity regulations (58 Federal Register, No. 225, at 62198, (November 24, 1993) codified at 40 CFR Parts 51 and 93),

> EPA believes that the transportation community should be held responsible through the conformity process for implementing TCMs which the State committed to in the SIP. However, EPA does not believe it is appropriate to hold the transportation community responsible for achieving the emission reduction goals predicted for each TCM, especially given the difficulty in predicting TCM effectiveness or even measuring project-specific benefits once TCMs are implemented. Because any shortfall in emissions reductions is reflected in future conformity determinations through use of the latest planning assumptions, and because conformity is ultimately based on a comparison with an emissions budget, EPA's believes that the conformity process adequately addresses the issue of TCM effectiveness.

The need to review TCM effectiveness is relevant when TCMs are explicitly identified as contributing to a motor vehicle emission budget, as is the case with the new 2001 Ozone Attainment Plan. Neither the 1994 Ozone Maintenance Plan nor the 1999 Ozone Attainment Plan (which was subsequently partially approved and partially disapproved) identified TCMs as part of their motor vehicle emission budgets. MTC will have to review the effectiveness of the active TCMs, including the five new TCMs (TCMs A-E), in subsequent conformity analyses.

Comment H3 (see note for H1 and refer to Response 2)
Response H3: The original reply stands and is augmented by the following explanation: TCM 12 is a control measure from the 1982 plan to address carbon monoxide in downtown San Jose. The Bay Area is currently in attainment for the federal carbon monoxide standard and has been since 1993. TCM 12 included a Commute Alternative Program, prepared and adopted by the Santa Clara Valley Transportation Authority in 1982, which had upgrading Caltrain service (then the Southern Pacific railroad) as one of its components. Given the period in which this TCM was conceived, it is likely that all the anticipated improvements have been implemented in the last 20 years. The RTP continues to support future Caltrain improvements as follows: 1) funding for all Caltrain capital rehabilitation shortfalls, 2) funding for Caltrain Express/" Baby Bullet" service (in the committed funding category), 3) funding for Caltrain electrification (in Track 1), 4) funding for the Caltrain Downtown Extension in San Francisco (in Track 1), and 5) funding for Caltrain Express Phase 2 and 3 (partially funding in Track 1). Clearly these funding commitments do not interfere with Caltrain advancements; however, major projects of this nature do take time for environmental review, design, and construction, and therefore cannot be counted on to begin reducing emissions immediately.

Comment H4 (See note for H1).
Response H4: The support for free BART/bus transfers in TCM 21 was in the context of bridge toll increases being sought by MTC at that time (circa 1990) and subject to approval by the State Legislature. The broader focus of TCM 21, however, was the area of multiple transit service and fare coordination activities over which MTC does have significant authority.

With respect to bridge toll legislation and BART/bus transfer subsidies, MTC supported SB 1600 (Kopp) to raise the Bay Bridge toll to $2, but the bill failed to get out of the legislature. While this specific legislation was not approved, MTC continued to pursue new bridge tolls leading to the passage by Bay Area voters of Regional Measure 1 in 1988, which raised the toll on all the Bay bridges to a uniform $1. This measure did provide substantial support for transit improvements in the Bay Area. In 1993 FHWA awarded a grant to MTC to conduct the Bay Bridge Congestion Pricing Project. In addition to looking at higher peak period tolls, the project produced a report "Developing a Congestion Pricing Demonstration Program for the San Francisco-Oakland Bay Bridge: Final Report" which proposed transit discounts for passengers transferring between two transit systems as one of the demonstration elements. MTC and the Bay Area Air Quality Management District pursued legislation in 1996 to implement a variable toll on the Bay Bridge, but the State Legislature approved a toll increase in 1997 that did not have a peak period pricing component. In 1999 the Air District supported a Bay Bridge congestion pricing bill, but again the measure was not successful in the legislature. In 2001 the rising cost of the Bay bridge seismic program led the State Legislature to make the second dollar on the toll (total of $2) permanent as required to meet the toll contribution to the bridge seismic retrofit program which has experienced significant cost increases.

Comment I (see January 15, 2002 letter)
Response I: The RTP is a 25 year plan and provides a reasonable estimate of financial capacity over an extended period of time which may be punctuated by periods of recession and economic expansion of varying lengths of time. The RTP must use the best available information at the time it is prepared, which was largely between January and July of 2001. Any future financial forecast is essentially a snapshot in time and will be superceded by subsequent economic events as well as actions that may be taken by local voters, the state legislature, or Congress which affect transportation funding levels. Because the RTP is required by federal law to be updated at least every three years, there will be ample opportunity to capture any major structural changes in long term funding trends at the time of these major updates.

Comment J (see January 15, 2002 letter)
Response J: This comment relates to the 2001 Ozone Attainment Plan and to the subsequent mid course review to be completed by the end of 2003. As part of its approval action for the 2001 Ozone Attainment Plan, CARB did establish a public stakeholder process to review potential new control strategies for the mid course update. A member of the Commission and MTC staff have been invited and will participate in this process.

Chris Brittle - Conformity Determination

From: "David Schonbrunn" <David@Schonbrunn.org>
To: "Steve Kinsey" <skinsey@marin.org>, "chris brittle" <cbrittle@mtc.ca.gov>
Date: 10/28/2001 1:20 PM
Subject: Conformity Determination
CC: "Marc Chytilo" <airlaw5@home.com>

Chris,

During last week's Conformity Task Force meeting, I mentioned that the MTC Executive Director had misspoken to the 3 agency boards when he stated that the RTP could be approved prior to the ability to make a conformity determination, with the plan then becoming temporarily inactive and not able to be implemented. You disagreed with me.

FYI, my statement was based on MTC's own conformity procedures, Res. 3075, Section 93.104(b)(1):

"Each new transportation plan must be found to conform before the transportation plan is approved by the MPO or accepted by DOT."

I take this to mean that a new MVEB must first be found adequate by EPA, and a conformity determination completed, before the Commission can act to approve the RTP.

1

In reading the procedures, I also came across Sect. 93.110(e):

"The conformity determination must use the latest existing information regarding the effectiveness of the TCMs and other implementation plan measures which have already been implemented."

My understanding is that this analysis has not been re-done in many years, contrary to the procedure.

2

You also asked Task Force members to identify existing TCMs that can be implemented during a lapse. I would add the following specifics:

TCM 21--continue to seek legislation supportive of free transfers. Even in the absence of legislation, fund free transfers between BART and AC, and off-peak BART discounts.

TCM 12--fund Baby Bullet, Rapid Rail and electrification of Caltrain.

3

In reviewing these TCMs, it became obvious that a conformity finding cannot be made that the RTP (at least as it exists in draft) does not interfere with the implementation of these TCMs, as they could receive more funding to implement stated goals.

--David Schonbrunn

TRANSPORTATION SOLUTIONS DEFENSE AND EDUCATION FUND

16 Monte Cimas Avenue Mill Valley, CA 94941 415-380-8600

January 15, 2002
Hand Delivery

Chris Brittle
Metropolitan Transportation Commission
101 Eighth Street
Oakland, CA 94607

JAN 16

Re: 2001 RTP Draft Conformity Analysis

Dear Mr. Brittle:

The Transportation Solutions Defense and Education Fund (TRANSDEF) hereby submits its comments on the Draft Transportation Air Quality Conformity Analysis for the 2001 Regional Transportation Plan (RTP) and 2001 Transportation Improvement Program (TIP) Amendment 01-32. Our organization has been extensively involved in the development of the 2001 RTP and Ozone Attainment Plan (OAP), as well as many previous RTPs and the 1999 OAP. We believe these plans attempt to escape the key enforcement role given the transportation conformity process under the Clean Air Act to ensure that the expenditure of federal funds leads to cleaner air. Instead, these Plans turn conformity on its head by attempting to ensure that federal funds keep flowing to local transportation projects, without regard to the the air quality impacts. Having failed in that attempt, a conformity lapse shutting off federal funds for new expansion projects in the region is expected within the week.

We believe the proposed Conformity Findings to be premature and unsupportable due to 1) an unapprovable OAP; leading to 2) an inadequate motor vehicle emissions budget (MVEB); 3) a Federal Court Order, which found that MTC is responsible for implementing TCM 2, but has not yet done so; and 4) a substantially changed economic climate, within which projections of future RTP revenues are no longer reliable, leading to an inability to demonstrate a financial constrained RTP. We further believe that the imminent conformity lapse, rather than being a catastrophe, is appropriate under the circumstances. This "time out" will allow maintenance, exempt and TCM projects to move forward, while motivating MTC to undertake the development of further control measures to reduce motor vehicle emissions.

Attached to these comments are TRANSDEF's comments to the US Environmental Protection Agency on the adequacy of the proposed MVEB, which include two sets of exhibits. This attachment provides extensive detail on the claims stated here, as well as backup information, and should be considered an integral part of TRANSDEF's

A

comments on the Draft Conformity Analysis. These previous and related comments are hereby incorporated by reference. We request responses to the issues raised therein. We would be happy to meet with you to discuss our concerns in greater detail. A

The Clean Air Act imposes an **affirmative responsibility** upon MTC and federal agencies to assure that the 2001 RTP will not cause or contribute to any new violation of any standard in any area, increase the frequency or severity of any existing violation of any standard in any area, or delay timely attainment of any standard in any area. 42 U.S.C. §§ 7506(c)(1)(B). There is no evidence that MTC has discharged this affirmative responsibility and overwhelming evidence that it has not. Overwhelming evidence in the record demonstrates conclusively that the 2001 RTP will cause and contribute to new violations of the one hour ozone standard in the Bay Area and downwind areas, including San Joaquin Valley, that it will increase the frequency or severity of existing violations of the ozone standard in the Bay Area and downwind areas, including San Joaquin Valley, and that it will delay timely attainment of the ozone standard in the Bay Area and downwind areas, including San Joaquin Valley. As such, MTC may not make an affirmative determination of conformity, and any attempt to do so is void act undertaken in violation of law. B

<u>The Ozone Attainment Plan is Unapprovable.</u>

A. The Ozone Plan adoption was defective.

TRANSDEF has commented extensively on the OAP throughout its several revisions and hearing processes. (See Exhibits 6, E, H, I, J, K, M, N, O, P, and Q). Before discussing its substantive shortcomings, we believe its adoption was procedurally defective, which invalidates its conclusions and byproducts, including the MVEB, and any conformity determination dependent on the MVEB. We filed a complaint in Superior Court (Exhibit 6) alleging that approval of the OAP's Negative Declaration was a violation of CEQA. In that complaint, we alleged that the Bay Area Air Quality Management District (BAAQMD) and MTC failed to develop Transportation Control Measures (TCMs) for the OAP in compliance with the procedures mandated by Cal. Health and Safety Code § 40233. In addition, we alleged that the California Air Resources Board (ARB) violated Cal. Health and Safety Code § 41503.2 and Cal. Government Code §§ 53098.1 and 53098.2 by modifying the OAP without proper notice, hearings and findings. TRANSDEF also filed a Title VI Complaint (Exhibit N) with the Department of Transportation and EPA concerning the defective and insulting OAP public hearing process, as well as the inequitable funding pattern of MTC. The complaint has not been resolved.

B. The OAP submittal is incomplete, lacking any technical backup for its conclusions. (See MVEB Comment Letter, pp. 4-7) C

C. The OAP does not demonstrate attainment. (See Exhibit J, pp. 5-7; Exhibit K, p. 11).

D. The conditional commitment to 26 tons/day of VOC reductions in 2004 is not permitted under EPA regulations. (See Exhibit O, pp. 1-6).

E. The OAP fails to address emissions transport to the Central Valley. (See Exhibit O, p. 7).

F. The attainment date is not achieved as expeditiously as practicable. (See Exhibit J, pp. 8-9; Exhibit O, pp. 5-6).

G. The analysis of Reasonably Available Control Measures improperly did not find any available measures among those recommended by the public. (See Exhibit K, pp. 9-10). We incorporate by reference the Bay Area 1997 State Clean Air Plan.

H. The OAP may not rely on SF Bay Area-EMFAC 2000. (See MVEB Comment Letter, pp. 28-31).

C

<u>Inadequate Motor Vehicle Emissions Budget.</u>

TRANSDEF's MVEB Comment Letter, pp. 15-28, demonstrates that EPA is prevented by its own regulations from finding the MVEB adequate. Obviously, if EPA or the Court agrees with this point of view, no Conformity Finding can be made.

D

<u>The Conformity Findings Ignore a Federal Court Order.</u>

TRANSDEF challenges MTC to demonstrate that the proposed Conformity Findings are consistent with Judge Henderson's Order in *Bayview Hunters Point Community Advocates v. MTC.* (See Exhibit 4). The Court's findings that MTC is liable for implementing TCM 2 and that the TCM is not fully implemented must be reflected as such in Table 6. Clearly, additional capital and operations funding will be required to fully implement TCM 2. The RTP must "provide for the timely completion or implementation of all TCMs." 40 CFR § 93.113(b)(1). However, no provision for funding such completion or implementation has been made in the RTP. Because the RTP is (allegedly) fiscally constrained, adoption of the RTP will prevent implementation of TCM 2, because no other funding is available. Therefore the Conformity Findings cannot be made. (See Exhibit Z).

E1

The Draft Conformity Analysis should provide recent transit ridership numbers to document TCM 2 implementation, because transit operators are reporting a significant recent decrease in ridership. The data cited are out of date. Neither the RTP nor the TIP nor the OAP nor the Conformity Analysis demonstrate that the region's transit ridership will be at a level consistent with the achievement of full TCM 2 implementation within the next 5 years. It is obvious that the RTP does **not** provide for timely implementation of TCM 2. The RTP **interferes** with implementation of TCM 2. Similarly, MTC has **not**

E2

given maximum (or any) priority to funding TCM 2. The TIP **interferes** with the implementation of TCM 2. 40 CFR § 93.109(a); 40 CFR § 93.113. E2

Other TCMs Have Not Been Implemented.
TRANSDEF's comments to the Air Quality Conformity Task Force, in the Draft Conformity Analysis, Appendix C, identify TCMs 12 and 21 as not being fully implemented. They could receive substantial funding during a lapse. Even in the absence of a lapse, a conformity finding would have to determine that the RTP **interferes** with the implementation of these two TCMs. (See below, in the section on Response to Comments.)

The 1994 Ozone Maintenance Plan MVEB may not be used for conformity purposes.
Because the Bay Area has been redesignated as non-attainment, the budget from the Maintenance Plan may no longer be used for conformity purposes. F

The Motor Vehicle Emissions Exceed the MVEB.
First, Table 4 indicates that the budget comes from the OAP, using "EMFAC 2000." Having reviewed the complete State Implementation Plan (SIP) submittal to EPA, we have determined that there is no EPA-approved emissions model by that name. Without demonstrating its derivation from an approved model, the MVEB may not be used. In addition, the SF Bay Area-EMFAC 2000 model was submitted to EPA with minimal documentation as to its specific inputs. G1

No calculations are contained in the OAP to substantiate the emissions reductions from TCMs. In fact, there is no documentation whatsoever as to the methodology used to evaluate the emissions reductions produced by the TCMs. Unless it can be demonstrated otherwise, we must assume that the benefits of TCMs A, B, C and D have already been considered and computed by the travel model. Thus, the 0.5 tons/day credit cited in Table 4 represents a double counting of emissions reductions. G2

In exactly the opposite manner, the OAP claims that TCM E claims credit for emissions reductions for air passengers to San Francisco Airport that were not counted by the model. "[T]he MTC travel model does not specifically account for air passenger trips on transit to airports." (OAP, p. 39). Before credit can be taken, the Conformity Analysis would need to document the model's treatment of the passengers' auto trips, which TCM E proposes to replace with BART trips, to verify that the emissions to be offset by a TCM E credit actually exist in the baseline. Furthermore, TCM E is not even actually a TCM, because it explicitly is an accounting measure, rather than an "attempt to reduce motor vehicle use or activity that leads to higher emissions." (OAP, p. 25.) G3

In addition to the failure to document the emissions reduction calculation for each individual TCM, the TCMs are not federally enforceable due to the failure to provide a schedule of specific implementation actions for each TCM. G4

Table 4 thus takes an invalid credit of 0.5 tons/day of VOC for TCMs. These TCMs, as TRANSDEF has consistently pointed out throughout the OAP development process, do not bring any emissions reductions through their implementation. Action by the Commission to commit funds to other agencies (TCMs A, B, and C) does not, in itself, reduce any motor vehicle emissions. Only after action is taken by grantees will emissions reductions result. However, no commitments from grantees have been made part of the conformity analysis. Because these measures are not in an approved RTP or TIP, no credit can be given. 40 CFR § 93.122(a)(4). Furthermore, TCM A is dependent on funding action by the California Transportation Commission, and therefore credit cannot be taken until that action has been taken, or a written commitment is made by CTC. G4

MTC refused to provide enough control measures to demonstrate attainment, much less to create a margin of safety to ensure attainment, as TRANSDEF consistently urged. Eliminating the tiny amount of credit given the TCMs thus makes the motor vehicle emissions larger than the MVEB. Poetic justice. Conformity cannot be found.

Mobile Source Control Measure MS-1 also may not be given emissions reduction credit. The SIP submission did not contain a written commitment by BAAQMD or the Bureau of Automotive Repair to implement it. It is not federally enforceable in its current form. 40 CFR § 93.122(a)(3)(iii). This means that, with On-Road Motor Vehicles VOC at 168.5 tons/day, it exceeds the proposed budget of 164 tons/day. G5

<u>The Responses to Public Comments are Unreasonable.</u>

Response 1: "MTC disagrees that EPA must find the budget adequate before MTC can take a local approval action on the RTP." (Draft Conformity Analysis, p. 34). This statement blithely ignores the clear meaning of 40 CFR § 93.104(b)(1), which is cited in Comment 1. H1

Response 2: "The effectiveness of existing TCMs, most all of which have been completed, are reflected in the baseline emission estimates." (Draft Conformity Analysis, p. 34). MTC is responsible, under 40 CFR § 93.110(e), cited in Comment 2, for demonstrating that it has reviewed the latest research on the effectiveness of TCMs. For many years, MTC has downplayed the potential effectiveness of TCMs, apparently so that it would not be responsible for implementing any more of them. At a minimum, MTC is responsible to demonstrate why, as it asserts an emissions credit for TCM E, no other TCMs reflected in the baseline deserve additional emissions reduction credit. H2

Response 3: "All Caltrain commitments in the SIP have been completed, most recently in the form of TCM 19." (Draft Conformity Analysis, p. 34). Because TCM 12's goal of a 50% transit share of commuter trips in San Jose has not been met, additional funds could be spent on Caltrain to achieve higher ridership. It is incorrect to claim the TCM is being implemented, without there being any effort to reach the ridership goal. The failure to fully fund electrification, Rapid Rail and the Baby Bullet train as soon as practi- H3

cable amounts to interference with TCM 12, and a failure to give maximum priority to implementation of this TCM. H3

Response 3: "TCM 21 was designed to provide support for free bus/BART transfers through legislation proposed in 1990 which MTC supported, but which did not pass the Legislature." id. MTC's obligation under this TCM is to keep supporting legislation that would enable free bus/BART transfers. It has ceased doing this, and so, the TCM is not being fully and timely implemented. H4

The RTP's Financial Assumptions are Unreasonable.
In order to be found in conformity, the RTP and TIP must be fiscally constrained. 40 CFR § 93.108. However, since the Draft RTP was released, the national and local economies have weakened considerably. This results in a drop in both transit farebox revenue as well as sales tax revenue. The Valley Transportation Authority recently announced that its revenues have decreased significantly recently, which will impact the delivery of projects. "Budget deficit may delay key transportation projects." *San Jose Mercury News*, January 9, 2002. Extrapolating from the experience of one local agency, it is clear that previous revenue estimates are no longer relevant to current conditions. MTC, in making a conformity finding, has a responsibility to affirmatively demonstrate that its revenue projections are still credible, given the dramatic changes in economic conditions. I

Conclusion
For all the reasons cited above, TRANSDEF believes that no credible basis exists for a determination of conformity. We urge MTC to convene an open public process to develop the additional transportation control measures needed for a legally adequate OAP. J

Sincerely,

David Schonbrunn

David Schonbrunn,
President

Attachment
Law Office of Marc Chytilo MVEB Comment Letter to EPA, 1/7/2002, with the following 2 sets of exhibits:

1. ARB memo 10/9/2001 comparing EMFAC2000 to EMFAC2001

2. ARB Powerpoint Slides from EMFAC2001 Briefing, May 2001

3. Letter, Cynthia Marvin, ARB to Marc Chytillo (sic), 12/17/2001, transmitting the EMFAC2000 TSD from May 2000.

4. Order, Bayview Hunters Point Community Advocates v. Metropolitan Transportation Commission, No. C01-0750 THE, US Dist. Ct., N.D.Cal.

5. Email, 10/17/2001, BAAQMD counsel Robert Kwong to Mark Chytilo (sic) re: inclusion and consideration of previous comments to earlier draft of 2001 OAP without resubmittal.

6. Amended Petition and Complaint, CBE & TRANSDEF v. BAAQMD, ABAG, MTC, CARB, et al., San Francisco County Superior Court No. 323849.

A. TRANSDEF Comments to BAAQMD on 1999 SIP Control Measures, 1/15/99

B. TRANSDEF Comments to EPA on 1999 MVEB adequacy, 11/11/99

C. Law Office of Marc Chytilo Petition to EPA on TCM 2, 11/29/99

D. Law Office of Marc Chytilo Letter to EPA on Bay Area Transportation, Air Quality, and Environmental Justice Issues, 2/9/00

E. TRANSDEF TCM Proposal to Co-lead Agencies for 2001 SIP, 4/22/01

F. Law Office of Marc Chytilo Petition to EPA seeking MVEB error correction, 4/24/01

G. Law Office of Marc Chytilo Comments to EPA on 1999 OAP NPR, 5/14/01

H. Law Office of Marc Chytilo Request to BAAQMD for Extension of 2001 OAP Comment Period, 5/29/01 & BAAQMD Response, 6/5/01

I. Law Office of Marc Chytilo Comments to BAAQMD on Draft 2001 OAP Initial Study, 6/4/01

J. Law Office of Marc Chytilo Comments to BAAQMD on Draft 2001 OAP, 6/4/01 & BAAQMD Response, 6/25/01

K. Law Office of Marc Chytilo Comments to Co-lead Agencies on Proposed Final 2001 OAP, 7/16/01

L. Law Office of Marc Chytilo Request to CARB for Transport Mitigation TCMs, 7/23/01

M. Law Office of Marc Chytilo Comments to CARB on 2001 SIP, 7/25/01

N. Law Office of Marc Chytilo Title VI Complaint to EPA and DOT, 9/7/01 & EPA Response, 11/21/01

O. Law Office of Marc Chytilo Comments to Co-lead Agencies on Revised 2001 OAP, 10/17/01 & TRANSDEF Comments to Co-lead Agencies on Revised 2001 OAP, 10/17/01

P. Law Office of Marc Chytilo Comments to CARB on Revised Bay Area SIP, 10/30/01

Q. TRANSDEF Comments to CARB on Revised Bay Area OAP, 10/30/01

R. Law Office of Marc Chytilo Letter to EPA RA Nastri on MVEB, 11/21/01

S. Law Office of Marc Chytilo Letter to EPA RA Nastri on MVEB, 12/21/01

T. TRANSDEF Comments to MTC on 1998 RTP, 9/30/98

U. TRANSDEF Comments to MTC on 1998 RTP Amendment Conformity, 5/22/00

V. TRANSDEF Comments to MTC on Public Involvement Assessment, 1/23/01 & 1/24/01

W. TRANSDEF Comments to MTC on 2001 RTP Process, 3/28/01

X. TRANSDEF Comments to MTC on 2001 RTP Equity Analysis, 6/6/01

Y. TRANSDEF Comments to MTC on 2001 RTP & DEIR, 10/3/01 & 10/1/01

Z. Earthjustice LDF Letter to MTC on Proposed RTP adoption, 12/12/01

CONFORMITY FINDINGS

Based on the analysis, the following conformity findings are made:

- This conformity assessment was conducted consistent with EPA's regulations and with the Bay Area Air Quality Conformity Procedures adopted by MTC as Resolution No. 3075.

- The 2001 RTP provides for implementation of TCMs pursuant to the following federal regulation:

  The transportation plan, TIP, or any FHWA/FTA project which is not from a conforming plan and TIP must provide for the timely implementation of TCMs from the applicable implementation plan. For transportation plans, this criterion is satisfied if the following two conditions are met:

  (1) The transportation plan, in describing the envisioned future transportation system, provides for the timely completion or implementation of all TCMs in the applicable implementation plan which are eligible for funding under Title 23 U.S.C. or the Federal Transit Laws, consistent with schedules included in the applicable implementation plan.

  (2) Nothing in the transportation plan interferes with the implementation of any TCM in the applicable implementation plan. (40 CFR Part 93.113(b)).

- The 2001 TIP provides for implementation of TCMs pursuant to the following federal regulation:

  (1) An examination of the specific steps and funding source(s) needed to fully implement each TCM indicates that TCMs which are eligible for funding under title 23 U.S.C. or the Federal Transit Laws are on or ahead of the schedule established in the applicable implementation plan, or, if such TCMs are behind the schedule established in the applicable implementation plan, the MPO and DOT have determined that past obstacles to implementation of the TCMs have been identified and have been or are being overcome, and that all State and local agencies with influence over approvals or funding for TCMs are giving maximum priority to approval or funding to TCMs over other projects within their control, including projects in locations outside the non-attainment or maintenance area.

  (2) If TCMs in the applicable implementation plan have previously been programmed for Federal funding but the funds have not been obligated and the TCMs are behind the schedule in the implementation plan, then the TIP cannot be found to conform if the funds intended for those TCMs are reallocated to projects in the TIP other than TCMs, or if there are no other TCMs in the TIP, if the funds are reallocated to projects in the TIP other than projects which are eligible for Federal funding intended for air quality improvements projects, e.g., the Congestion Mitigation and Air Quality Improvement Program.

(3) Nothing in the TIP may interfere with the implementation of any TCM in the applicable implementation plan. (40 CFR Part 93.113(c)).

- Motor vehicle emissions in the 2001 RTP and FY 2001 Transportation Improvement Program, as amended, are lower than the transportation conformity budget in the Carbon Monoxide Maintenance Plan.

- Motor vehicle emissions in the 2001 RTP and FY 2001 Transportation Improvement Program, as amended, are also lower than the transportation conformity budget in the 2001 Ozone Attainment Plan for ozone precursors.